

MANDATE

S.D.N.Y.
04-cv-397
Daniels, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of October, two thousand fifteen.

Present:

Barrington D. Parker,
Raymond J. Lohier, Jr.,
Susan L. Carney,
Circuit Judges.

Norman Gritz, individually and as personal representative of the Estate of David Gritz,

Plaintiff,

Mark I. Sokolow, individually and as a natural guardian of Plaintiff Jamie A. Sokolow, et al.,

Plaintiffs-Appellants,

v.

15-2739

Palestine Liberation Organization, Palestinian Authority, AKA Palestinian Interim Self-Government Authority and or Palestinian Council and or Palestinian National Authority,

Defendants-Appellees,

Yasser Arafat et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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Eva Waldman et al.,

*Plaintiffs-Appellees-Cross-
Appellants,*

v.

15-3135 (L), 15-3151 (Con)

Palestine Liberation Organization, Palestinian Authority, AKA Palestinian Interim Self-Government Authority and or Palestinian Council and or Palestinian National Authority,

*Defendants-Appellants-Cross-
Appellees,*

Yasser Arafat et al.,

Defendants.

The interlocutory appeal in 15-2739 was taken from the district court's order, issued before entry of final judgment, staying execution of the judgment pending appeal. The consolidated appeals in 15-3135 (L) and 15-3151 (Con) followed entry of final judgment. These appeals are consolidated for purposes of this order.

Appellants in 15-2739 ("Plaintiffs") move to modify the district court's order staying execution of the judgment pending appeal, and to expedite briefing of the consolidated appeal and cross-appeal in 15-3135(L) and 15-3151 (Con). Appellees in 15-2739 ("Defendants") cross-move to dismiss that appeal for lack of appellate jurisdiction. Upon due consideration, it is hereby ORDERED that Defendants' cross-motion to dismiss is DENIED as moot because the premature notice of appeal in 15-2739 from the district court's nonfinal stay order ripened into a valid notice of appeal upon the subsequent entry of final judgment. *See In re Barnet*, 737 F.3d 238, 244-45 (2d Cir. 2013). It is further ORDERED that Plaintiffs' motion to modify the stay order is DENIED because the district court did not abuse its discretion in setting the amount of the bond upon which execution of the judgment would be stayed. *See In re Nassau Cnty. Strip Search Cases*, 783 F.3d 414, 417 (2d Cir. 2015); *Texaco, Inc. v. Pennzoil Co.*, 784 F.2d 1133, 1156 (2d Cir. 1986), *rev'd on other grounds*, 481 U.S. 1 (1987).

Plaintiffs' motion to expedite briefing is GRANTED. Briefing will proceed according to the following schedule: Defendants shall file their opening brief by November 10, 2015; Plaintiffs shall file their opening brief by December 11, 2015; Defendants shall file their second principal brief by January 11, 2016; and Plaintiffs shall file their reply brief by January 25, 2016. Oral argument will be held as early as the week of March 11, 2016.

Because there are no issues remaining to be adjudicated, it is hereby ORDERED that the appeal in 15-2739 is DISMISSED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



Catherine O'Hagan Wolfe

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